

January 21, 2003

Exemption No. 6921C
Regulatory Docket No. FAA-2001-8786

Mr. James G. Schneider
Quality Control Division
Lynden Air Cargo
6441 South Airpark Place
Anchorage, AK 99502

Dear Mr. Schneider:

This is in response to your December 30, 2002, letter petitioning the Federal Aviation Administration (FAA) on behalf of Lynden Air Cargo (LAC) for an extension of and amendment to Exemption No. 6921, as amended. That exemption from § 121.344 of Title 14, Code of Federal Regulations (14 CFR) permits LAC to operate five Lockheed Martin 382G Hercules aircraft (L382G) (registration Nos. N401LC, N402LC, N403LC, N404LC, and N405LC; serial Nos. 4606, 4698, 4590, 4763, and 5025) under part 121 without equipping each aircraft with an approved flight data recorder (FDR). The amendment you request would add five L382Gs to those aircraft LAC may operate under this exemption. You also request that the FAA extend Exemption No. 6921, as amended, for 5 years.

You state that LAC has immediate need for additional airlift capability using L382Gs. You state that in addition to domestic operations, LAC is currently supporting the United States Air Force (USAF) Air Mobility Command in providing mission-critical cargo operations. You state that these operations are in direct support of U.S. and the North Atlantic Treaty Organization peace-keeping and antiterrorism operations in Europe and the Middle East. You state that the USAF has requested that LAC increase operations in support of these missions.

You state that because of the limited numbers of U.S.-registered L382Gs and unavailability of U.S.-registered L382Gs for sale or lease, LAC must pursue limited opportunities to lease foreign-registered L382Gs to fulfill increased demand.

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You state that the additional L382Gs that LAC proposes to operate are serial Nos. 4673, 4676, 4684, 4691, and 4695. You state that these aircraft currently are not registered in the

United States. You add that each of these aircraft is equipped with an FDR identical to those currently installed in the U.S.-registered L382Gs operated under Exemption No. 6921, as amended. You state that the FDRs on all 10 L382Gs are identical, including recording to the same accuracy and number of parameters.

In your petition, you indicate that the conditions and reasons regarding public interest and safety, presented in the original petition upon which the exemption was granted, remain unchanged.

The FAA has determined that good cause exists for not publishing a summary of the petition in the Federal Register because the requested extension of and amendment to the exemption would not set a precedent and any delay in acting on this petition would be detrimental to LAC.

The FAA has determined that the justification for the issuance of Exemption No. 6921, as amended, remains valid with respect to this exemption.

The FAA finds that LAC has operated successfully under Exemption No. 6921, as amended. The FAA also finds that it would be in the public interest to permit LAC to expand the use of the L382Gs under this exemption. The FAA states that the L382G is one of very few aircraft operated under part 121 that is able to operate in austere locations and in isolated locations, and to take off and land on certain runways.

Although LAC has requested a 5-year extension to Exemption No 6921, as amended, the FAA requires a 2-year extension to review this exemption and to determine whether the exemption still is in the public interest and would provide a level of safety equivalent to that provided under the regulation.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. §§ 40113 and 44701 delegated to me by the Administrator, Exemption No. 6921, as amended, is hereby further amended by extending its July 15, 2003, termination date to July 15, 2005, unless sooner superseded or rescinded; (2) adding five L382Gs, serial Nos. 4673, 4676, 4684, 4691, and 4695, to those aircraft LAC may operate under this exemption; and (3) adding the following conditions and limitations:

1. Before conducting operations under this exemption, LAC must obtain amended operation specifications that include this exemption and the specific L382Gs included in the exemption.
2. Before amending LAC's operations specifications to include the specific L382Gs included in the exemption, LAC's FAA principal maintenance inspector must—

- a. Determine whether differences training is required for the specific L382Gs included in the exemption, and whether that training is satisfactorily completed.
- b. Determine whether revisions are needed and completed to any manuals or checklists for the specific L382Gs included in the exemption.
- c. Find that the L382Gs are airworthy and comply with all airworthiness directives and other applicable airworthiness requirements.

All other conditions and limitations of Exemption No. 6921, as amended, remain the same. This letter shall be attached to, and is a part of, Exemption No. 6921.

In an effort to allow the public to participate in tracking the FAA's rulemaking activities, we have transitioned to the Department of Transportation's online Docket Management System (DMS) at <http://dms.dot.gov>. This new docket system enables interested persons to submit requests to, view requests on, and download requests from the DMS to comply with 14 CFR § 11.63. Please submit future requests through the DMS.

Sincerely,

/s/

Louis C. Cusimano
Acting Director, Flight Standards Service